

**Total Maximum Daily Load (TMDL) Advisory Group
Meeting Summary
October 4, 2000**

10:06 am: Matt Rueff:

Welcome. Introduction of IDEM employees, brief overview of the TMDL Program and explanation of advisory group formation. Brief overview and apologies to those of greater expertise, notes this is an opportunity to bring all participants to equal standing on the issues. Notes that today's meeting is merely an orientation to all. Round table introduction by participants.

10:17 am: Mary Ellen Gray:

Reiterates the welcome to participants. Addresses issues of meeting time given previous feedback. Floor opens to discuss meeting times and dates with participants. Ultimate agreement of need full day for the upcoming sub-committee work. Established second meeting as November 9th at Shadeland Avenue office of IDEM. Third meeting set for December 14th at the same time and location. Meeting time established at 9:00 am.

Discussion of Ground Rules: Mary Ellen Gray

Emphasis on group size and the need for a common understanding that despite historic perspectives between the individuals and the agency- this forum cannot be used to address these old issues. Additionally, on-going issues with IDEM cannot corrupt this forum. Given the tasks ahead of the Advisory Group and the deliberate consideration given to the fact that this membership is the main support to IDEM's TMDL functions, we must stay focused.

Our mission is of greatest importance, having only 18 months to accomplish tasks. Eighteen months will be necessary for the publication and legislation processes with the final product meeting deadline of April 2003. We (IDEM) will make every effort to make the meeting agenda timely. We will use web postings, e-mail and all available resources to make every information available and to facilitate the overall workings of the group. Reiteration of focus, but forward thinking is stressed. Further discussion of the "Parking Lot" and the need to keep appropriate issues in the parking lot. Mary Ellen notes that her role is as facilitator and she will do her best to continue to stress the importance of staying on the focus. She notes that we have an incredible amount of work to accomplish and it will be the many experiences, skills and talents available to this diverse group. She further notes the energy and thought put into the composition of the group to meet not only legislative guidelines but also to have the best overall impact on outcomes given that IDEM is so highly reliant on this group.

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10:31 am SEA 431: Cyndi Wagner

Thanks for participation. Discussion of Senate Enrolled Act 431. Notes that the act is heavy on water quality. The act addresses CSO's and degradation. Further it addresses specifically the TMDL Advisory Group. She notes that this dovetails nicely into the federal legislation and notes the 90-day public comment period. Brief discussion of methodology and new federal legislation. She discusses the standing legislative commitment to the EQSC. Notes some companion work. Finally, the data and information aspects of the act are discussed. Matt Rueff notes that the IDEM AIMS database is still in staff testing phase and is intended to be placed on the web for both internal and external access. Notes that the Assessment Branch data is still being staff tested because the individuals working on the project are also accomplishing varying fieldwork.

Stop to introduce individuals entering the group after commencement of meeting.

10:40 am TMDL Overview: Cyndi Wagner

Impaired Waterbody List discussed. Impaired list is any body of water on the 303 (d) list as part of the Clean Water Act. Current list of 208 waterbodies on the IDEM website. Review of the surface water lists. They are evaluated by Assessment with tools such as the 160 fixed stations, the E. coli program, the watershed rotation, the evaluation of fish tissue, macroinvertebrate communities, and an overall look at the aquatic site. We monitor for pesticides and research biological studies. Public evaluation and institutes of higher learning- colleges and universities support our efforts. These are the sources we derive data from that ultimately feeds the 305 (b) Report that is our Biennial Water Quality Report. The test is whether the water body supports designated uses such as swimming and fishing. Further discussion of the 305(b) results and specific numbers for supporting life and recreational use. Conventional parameters discussed, as well as other parameters and the Fish Consumption Advisories.

TMDL is defined and described as a technical term, including discussion of elements, components and the TMDL equation. Redress given to the seasonal variation and a brief explanation of the MOS- margin of safety. Some cross discussion of the specific activities IDEM is performing, questions of measurements and the frequency of the measurements. Additionally questions regarding schedule of samplings and time of day of samples.

10:55 am. Mary Ellen Gray facilitates... break until 11:15 am.

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11:17 am IDEM's TMDL Strategy and Guidelines: Mary Ellen Gray

Policy discussion affects six major areas of the TMDL process:

- Introduction to the 303(d) report
- Group formation (internal) utilizes all project areas of IDEM-OWM
- Use of all areas in task assignments
- Maps and TMDL plans and web site structure based on 5 years of rotation
- Formation of preliminary work targets:
 - Source identification (point and non-point source)
 - Data Collection
 - Basin Coordinators to work with local level- community coordination.

Discussion points: Do the Basin Coordinators exist now? Do we envision these individuals as being IDEM employees? What type of model does IDEM have for the interaction at the local level?

Mary Ellen Gray:

Phases 1, 2 and 3: Theoretically one year is committed to each phase of planning.

Phase 1:

Data collection and Watershed Outreach – Management:

This phase involves site identification, collection and testing. Test analysis is done according to a Quality Assurance Project Plan (QAPP). The QAPP is reviewed biannually by U.S. EPA. IDEM will use the AIMS database to make information available to the public, as we compile and analyze.

Phase 2:

TMDL Outreach and Management:

This phase involves the planning of model type, including an assessment of sample needs (parameters) and the development of a scenario in which we use the target numbers to allocate to the sources of the impairment.

Question regarding models: We are using contractors, and the high end of all available technology. Specific question in regards to hydrology and watershed calculations. Specific modeling questions and notes that the specific model needs to be an accepted model.

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Phases 1, 2 and 3: (continued)

Phase 2 (continued):

Cyndi Wagner responds that the EPA produces a compendium that we use for this purpose. Cyndi discusses the specifics of modeling in-house and the fact that we are gearing up to be better prepared for these issues. Additionally, the BAA (Broad Agency Announcement) and other tools used to meet needs.

Watershed Outreach in detail:

- Inventory and research problems
- Identify local problems and talk to people about those problems
- Use local knowledge to coordinate input and conversation
- Add available testing information
- Utilize processes leading to a management plan. (Cooperative partnerships with local groups, discuss funding, etc. Gain the consensus of the local groups)

Phase 3:

Taking the TMDL implementation and EPA submission to incorporate in to our Continuing Planning Process.

Implementation Plan (developed before new rules):

Load allocation

NPDES permits

10 parties/ actions

Best management plan

Schedule of activities for follow-up

Schedule of new NPDES permits

Performance

Controls

Water quality standards

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Legal Authority

- Who enforces?
- Are actions enforceable?

Non-enforcement actions

- Funds
- Process agreements
- IDEM / IDNR / Muncie / Land owner

Conservation

Analysis of effectiveness

Discussion: Remarks regarding effectiveness and that effectiveness is contingent upon the involvement of local groups. A parallel group needs to be present.

Mary Ellen concurs that mechanisms need to be in place.

Discussion and question of resources and the need for an IDEM organization chart. Additional comments made regarding IDEM and TMDL regulation. Mention of Wildcat Creek, the Soil and Water Conservation Districts, county health departments, and missing components on the local front. Question of utilizing wellhead protection program staff.

Question of charge in regards to the Continuous Planning Process (CPP)?
Mary Ellen acknowledges that the CPP is under her purview. Further discussion of CPP and historical explanation and views on the effectiveness of merging TMDL programs into the CPP.

Question of the AIMS database and what it does with ground water data.

Matt Rueff: Further explanation that IDEM – OWM has been challenged by the events of the last year beyond normal expectations. He discusses the AIMS data base in relation to the Y2K and other major tasks and current plans to further this priority on an agency basis. He notes that the majority of the data in OWM is located within the Assessment Branch.

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Discussion turns to the Grand Calumet and specifics of the basin- calibration of data, mass of data, time span of data, etc. Discussion furthers on fiscal issues. Corps involvement, peculiar hydraulics, flows basin and abnormalities of the basin. There is a question of best process and future planning.

Discussion of Indianapolis CSO project and the concept of “piggy – backing” the TMDL projects. Question of the possibility of speeding up the project.

Question in regards to the E. coli sampling program and if IDEM could provide further details on the program. Cyndi Wagner responds with discussion of Roseann Hirshinger and the mobile laboratory and the viability window of E. coli and transportation issues inhibiting the program’s past performance. Notes the effectiveness in getting a good over view in the specifics of the basin in which Roseann samples and replies to issues of timeliness. Cyndi notes that the mobile laboratory became operational in June.

Question of where IDNR fits into the program? Question of the 2002 list requirement and methodology. Cyndi Wagner responds that the 2002 list will have to be generated and that the focus now is centered more on methodology.

Further discussion occurred about the need for draft development of listing methodology by next November.

Question of the use of the smaller local hospitals and county health departments and the possibility of calling upon those agencies and resources for basin coordination. Note by participant that there is a wealth of local expertise and knowledge not being tapped that could potentially assist outcomes.

Mary Ellen notes that the point was well taken

Question of whether IDEM-OWM could get an IDNR representative to attend the meetings? Matt Rueff suggests that an IDNR representative is possible, and that IDEM will explore that possibility.

Further conversation regarding the EPA labs and the Quality Assurance Project Plan (QAPP). Cyndi Wagner explains that our chemist get extremely nervous about changing laboratories and lab processes.

Note of the fact that USGS produces great data, but there are concerns about the timeliness in which that data is made available. Data integrity isn’t questioned but the public availability time line is.

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LUNCH

1:40 PM: Mary Ellen Gray

Meeting resumed.

Discussion of the 1998 303(d) map. Impaired waters appear in red on the map. Mary Ellen shows the group the Surface Water Quality Strategy report, and points out the fixed station map.

1:53 PM: Fred Andes and Donita Rodibaugh discuss FACA.

Fred begins:

The federal government established a group that can discuss issues to make recommendations; this group is a FACA. Because the U.S. EPA was sued 52 times for having not moved forward under the 1972 Clean Water Act, a number of lawsuits have been filed to prompt action. The program basically started in 1972 but fell behind the NPDES permit program and the facility-permitting program.

In the early 90's the states started pushing and the EPA recognized the lack of comprehensive guidelines, so FACA for the TMDL program was convened. EPA was the resource in this group, not the leader. The membership met once every three months for a two and a half-day meeting over the eighteen-month duration. An outside consultant was called in to facilitate those meetings and ultimately a report for the TMDL FACA was produced. That report is available on the US EPA website. All FACA reports and issue papers are heavily documented. The group reached consensus on many issues but the EPA didn't accept all FACA recommendations, which Fred speculates is the probable cause of the lawsuits. Located within the FACA are seven pages underlining Ground Rules for the operation of the FACA group.

The group defined the term "consensus" and that decision alone required about six hours of work. Individuals had a voice in the process. There were clear guidelines regarding the characterization of another individual's comments, the format of the final report was discussed. A list of issues that were not addressed was included in the report as well as a list of alternative views and a key point appendix.

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The actual content of the FACA centered on issues addressed by the work groups. Conference calls were held between meetings and facilitators drafted straw man papers. What group addresses issues without baggage? It is unlikely that any group could do so.

Danita:

Best advice to membership is to stay on focus despite concerns. Act in good faith, be collaborative and maintain a higher level of behavior. Allow no tolerance for less than professional behavior.

We will be most effective if we interface with our group. The stakeholder group has a value in that it brings great diversity to the table. Get everybody involved in TMDL's in the state.

Workgroups were the umbrella on an issue. Positions on the issues changed and you see not only your position but you have to see everyone's position on an issue. Some persons learned a great deal. Lunchtimes and after hours lend themselves to valuable opportunities for establishing ties. The process plays out and it helps. For example, she met a lady, Nina Bell, and they shared info and it was a real opportunity for education. The people were there to learn and to teach and she learned a lot, from an ag-chem producer, from a pesticide guy... there are opportunities to learn from that diversity.

Parking lots are a very important tool in the process. Listing, when done in good judgement- it provides an arena to agree and air out issues and educate. It was all part of the group's diversity and interface. It firmed up in her own mind the potential of the group.

Discussion:

Mention of the advantages of negotiation vs. legislation... discussion of the presence of attorneys affecting success. Question and discussion the EPA lawsuit and the potential for Indiana involvement. Danita notes her involvement in other groups of similar charge and the negative of discussing the same issue multiple times with no real outcomes. Noted need to "get on with it".

Failure to define consensus... it affected the groups working... suggestion to this group to pre-define that term "consensus."

Suggestion that despite what the Federal governments is doing or Region 5, we should focus on what Indiana needs, we should comply where we can, but acknowledge that we will diverge if necessary.

Decision to skip TMDL rule coverage to further discussion.

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Discussion of meeting lengths and the viewing of the next agenda. Maybe the agenda should be more organic? Note the need for discussion on specific issues while group continues to move ahead.
Questions regarding methodology of listing and de-listing.

Adjourned

Persons Present (in signature order of sign in sheet):

Bob Eddleman	Jack Wittman	R.M. Van Frank (Dick)
Greg Gapsis	Tom Fogarty	Jan Henley (IDEM)
Cyndi Wagner (IDEM)	Ken Zmudzinski	Eric Fry
Paul Johnson	Gary Gilot	
Brett Barber	Tom Anderson	
Ron Turco	Jim Hunsicker	
Fred Andes	Glenn Pratt	
Mike Brown	Jennifer Gadzala*	
Neil Parke	Danita Rodibaugh	
Bob Sawtelle	Rae Schnapp	
Kevin Hardie	Bob Johnston	
Bill Beranek	John Humes**	

* as proxy for Bowden Quinn

** as interested public

Persons present not listed on sign – in sheet:

Mona Simmons
Matt Rueff (IDEM)
Brenda Hoffman(IDEM)

